

MEMORANDUM OF LAW

DATE: May 22, 1989

TO: Frank Exarhos, Citizens Assistance Department

FROM: City Attorney

SUBJECT: Mail Collection Boxes

Please see the attached memorandum prepared by a legal intern in this office.

It appears that the U.S. Postal Service has a legal right, without obtaining any City permit, to place its mailboxes in the public right-of-way, at least to the extent they do not obstruct or interfere with pedestrian or vehicular traffic.

On the other hand, "private" carriers such as Federal Express and United Parcel Service are subject to a requirement of obtaining a permit from the City to maintain their mailboxes in the public right-of-way. Since, however, private mailboxes would probably be treated similarly to newsstands, the City can probably only regulate private mailboxes so as to assure that they do not interfere with pedestrian or vehicular use of the streets.

In addition, in order to avoid the confusion between private and federal mailboxes, the City could probably require a significant separation between private mailboxes and U.S. Postal Service boxes.

JOHN W. WITT, City Attorney

By

Harold O. Valderhaug

Deputy City Attorney

HOV:ps:740(x043.2)

Attachment

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